

REMARKS

In response to the Office Action¹ mailed October 19, 2007, Applicant respectfully requests reconsideration and continued examination. Claims 18 and 25 were cancelled by a previous amendment. Claims 1-17, 19-24, and 26-32 remain pending of which claims 1, 8, 15, 23, and 27, are independent. By this amendment, Applicant amends claims 1, 3-5, 8, 9, 13-17, 19, 23, 26-28, and 30-32 to further clarify Applicant's invention or to make the claims suitable for allowance. Specifically, Applicant has amended the independent claims to further describe the "mapping to data in at least one storage device," and has amended the dependent claims accordingly. Support for the amendments can be found in Applicant's specification at figure 13, which shows an exemplary snapshot of a "virtual volume object" (1303) as well as snapshots of "partitioning objects" (1310, 1312, and 1314). Support for "virtual volume object" is also found in Applicant's specification at paragraphs 053 and 054, where Applicant describes an exemplary mapping to data. Accordingly, no new matter has been introduced by these amendments.

Rejections Under 35 U.S.C. § 102

In the Office Action, claims 1-3, 4-6, 8-17, 19-24, and 26-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,981,114 by Wu et al. ("Wu"). In the Office Action, Applicant was invited to modify the claims to reflect Applicant's "unique type of mapping." See Office Action at 15. By the aforementioned amendments, Applicant has further described the mapping. While Wu discloses

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

virtualization, which by its nature maps to data in storage devices, Wu nowhere discloses how the mapping is accomplished, much less the mapping required by Applicant's claims. To properly establish that Wu anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Wu clearly does not disclose "identifying a virtual volume comprising a plurality of objects defining a mapping to data in at least one storage device, wherein the plurality of objects defining the mapping comprise a set of partitioning objects and a virtual volume object, wherein each one of the partitioning objects corresponds to a different portion of the data in the at least one storage device, wherein the virtual volume object comprises references to the set of partitioning objects and information identifying the type of the virtual volume, and wherein the plurality of objects defining the mapping are distributed across more than one processor in a virtualization layer between at least one host and the at least one storage device," as required by Applicant's claim 1. Though of different scope, independent claims 8, 15, 23, and 27 recite similar elements. For at least the reasons stated herein, claims 1, 8, 15, 23, and 27 are patentably distinct from Wu and the rejection under 35 U.S.C. § 102 should be withdrawn as well as the rejection of claims 2-3, 4-6, 9-14, 16-17, 19-22, 24, 26, and 28-32, which derive therefrom.

Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over Wu in further view of U.S. Patent No. 6,173,293, issued to Chandramohn A. Thekkath et al. (hereinafter, "Thekkath"). To establish a *prima facie* case of obviousness, the prior art (separately or combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). As demonstrated in the foregoing arguments with respect to claim 1, Wu does not disclose or suggest all of the elements of claim 7, namely, "identifying a virtual volume comprising a plurality of objects defining a mapping to data in at least one storage device, wherein the plurality of objects defining the mapping comprise a set of partitioning objects and a virtual volume object, wherein each one of the partitioning objects corresponds to a different portion of the data in the at least one storage device, wherein the virtual volume object comprises references to the set of partitioning objects and information identifying the type of the virtual volume, and wherein the plurality of objects defining the mapping are distributed across more than one processor in a virtualization layer between at least one host and the at least one storage device."

Thekkath does not make up for the deficiencies of Wu at least because Thekkath also nowhere discloses or suggests the aforementioned element. For at least these reasons, Wu is not combinable with Thekkath to disclose or suggest each element of claim 7 and the rejection under 35 U.S.C. § 103 should be withdrawn.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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